

BERMUDA

MARINE BOARD (CONTROL OVER MARITIME TRAFFIC)  
(AMERICA'S CUP RACE COURSE RESTRICTIONS) NOTICE 2017

**BR 49 / 2017**

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The Minister responsible for marine and ports services, in exercise of the power conferred by section 10(1)(a), (aa) and (b) of the Marine Board Act 1962 issues the following Notice:

Citation

1 This Notice may be cited as the Marine Board (Control Over Maritime Traffic) (America's Cup Race Course Restrictions) Notice 2017.

Interpretation

2 (1) In this Notice—

“AC 35 races” means the America's Cup Qualifiers, the America's Cup Challenger Playoffs, the 35th America's Cup Match, the Youth America's Cup;

“AC race yachts” means the yachts competing in any of the AC 35 races;

“America's Cup flag” means one of the official flags distributed by ACEA authorising a boat to access a specified part of the permitted viewing areas;

“boat” includes ship and personal watercraft (jet-ski);

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“boundary markers” means boats or buoys with distinctive orange identification marking the boundary of the race course;

“permitted viewing areas” means the areas around the race course behind the boundary markers;

“race course area” means the area of the Great Sound and Hamilton Harbour shown in blue shading edged in blue dashes on the plan in the Schedule;

“race course”, in relation to a race day, means such part of the race course area as is identified by ACEA by boundary markers as the race course for that day;

“race day” means each day from Monday 15 May 2017 to Friday 30 June 2017 (other than Bermuda Day, Wednesday 24 May 2017), on which ACEA notify the public by means of an announcement in the electronic and broadcast media before 9.00am each day that an AC 35 race or practice race will be held on that day;

“race times” means the period from 12 noon to 5.00pm on each race day, except for the following dates when the period will be 12 noon to 9.00pm—

- (a) Friday 26 May 2017;
- (b) Monday 12 June 2017;
- (c) Tuesday 13 June 2017.

(2) Any expression used in this Notice and in the America's Cup Act 2015 shall have the meaning given in that Act.

#### America's Cup races

3 The AC 35 races and practice races will take place within the race course area on each race day during the race times.

#### Protection of race yachts

4 No person shall approach within 60 metres of any of the AC 35 race yachts at any time while they are moored in the Dockyard South Basin.

#### Closure of race course

5 The race course for each race day will be closed to all marine traffic during the race times.

#### Display of flag

6 All mariners, pilots and boatmen within the permitted viewing areas during the race times must—

- (a) display prominently on their boat an America's Cup flag; and
- (b) remain within the designated part of the permitted viewing areas authorised by ACEA by the display of that flag.

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Caution to be exercised by mariners in permitted viewing areas

7 (1) All mariners, pilots and boatmen within the permitted viewing areas during the race times must—

- (a) keep clear of the race course; and
- (b) exercise extreme caution at all times, in particular if approaching the boundary of the race course.

(2) A five-knot no wake restriction shall apply to all boats in the permitted viewing areas during the race times.

Patrol of marine traffic

8 For the purpose of enforcement of this Notice, marine police and marshal boats will patrol the race course and permitted viewing areas.

Offence

9 It is an offence under section 10(3)(a) of the Marine Board Act 1962 for the master of a ship or boat to fail to observe the requirements of this Notice, punishable on summary conviction in accordance with section 112 of that Act.

Exemptions for certain boats

10 (1) Paragraphs 4 to 7 do not apply to—

- (a) the AC 35 race yachts while participating in the AC 35 races and practice races;
- (b) the marine police and marshal boats;
- (c) the Regatta Officials and boundary marker boats;
- (d) ACEA.

(2) Paragraphs 5 and 6 do not apply to boats providing scheduled ferry services under Part VI of the Marine Board Act 1962.

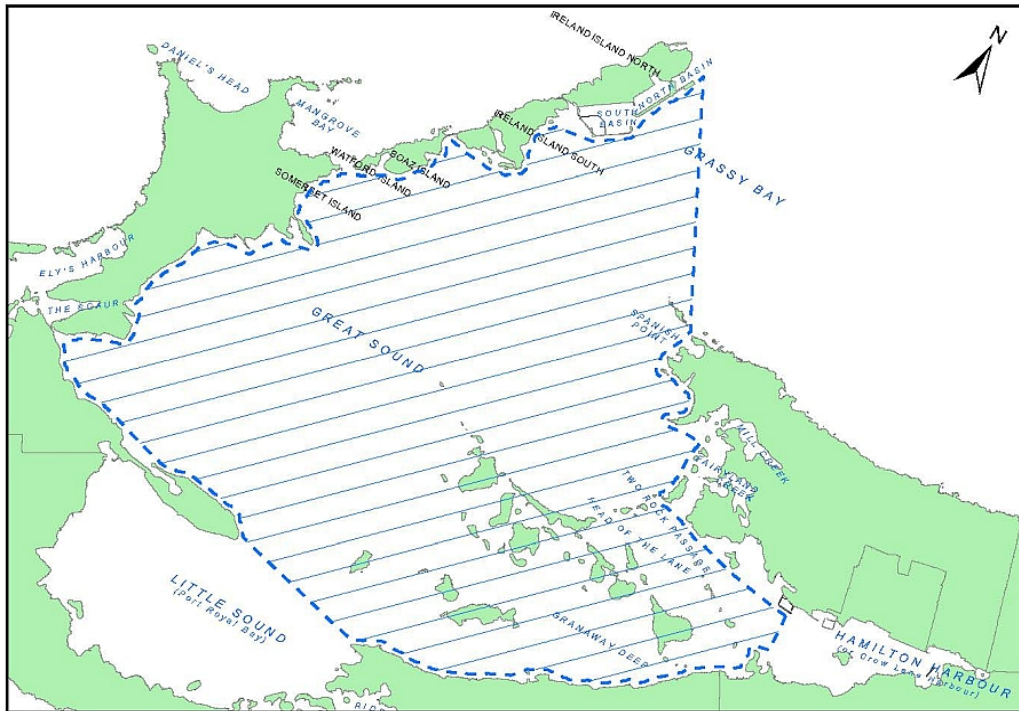
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SCHEDULE

(Paragraph 2)

PLAN OF RACE COURSE AREA



Made this 11th day of May 2017

Minister of Tourism, Transport and Municipalities